

NARRATIVE OF CHANGES FOR NON-SUBSTANTIVE CHANGE REQUEST

List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings (Form EOIR-56)

Noncitizens who are placed in removal proceedings pursuant to section 240 of the Immigration and Nationality Act (Act or INA), or who seek asylum under section 208 of the Act (whether or not in removal proceedings), must be provided with a list of persons who have indicated their availability to represent aliens on a pro bono basis. See INA § 208(d)(4)(B) (relating to asylum proceedings), and INA § 239(a)(1)(E), (b)(2) (relating to removal proceedings). In order to meet this statutory obligation, the Executive Office for Immigration Review (EOIR) publishes the List of Pro Bono Legal Service Providers (List). The regulations governing the List were first promulgated on February 28, 1997, at 62 FR 9071, and are found at 8 CFR 1003.61-1003.65. On October 1, 2015, EOIR published a Final Rule at 80 FR 59503, amending 8 CFR parts 1003, 1240, and 1241, to enhance the eligibility requirements for organizations, private attorneys, and referral services to be included on the List. The complete List is posted on the EOIR Web site. See <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

The List is central to EOIR's efforts to improve the amount and quality of representation before its adjudicators, and it is an essential tool to inform noncitizens in proceedings before EOIR of available pro bono legal services. In recent years, EOIR has had to expand the list to include new locations for newly opened immigration courts and specialized dockets such as a juvenile docket. In order to promptly respond to the opening of new court locations and the establishment of specialized dockets, EOIR needs to be able to contact approved organizations already on the existing List to obtain their consent to be added to the new location or docket. The

currently approved electronic filing portal and form associated with this collection, EOIR-56 (Request to Be Included on the List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings), already requires organizations to identify the immigration court locations where it intends to provide pro bono legal services. It is estimated that it takes an average of 30 minutes to complete the form. In order to avoid subjecting already approved organizations to the burden of completing the form anew in order to designate the new location or docket, EOIR intends to simply contact the organization, either by telephone or email, to obtain their consent to be added to the new list. EOIR would also confirm whether the organization has any specialties, limitations, or comments that should be noted on the List, as is provided on the form now and included on the existing List. Responses are voluntary, and an organization will not be added to a new list without the organization's advanced consent.

EOIR is also proposing to make non-substantive changes to the language in the electronic filing portal and on the Form EOIR-56 instructions and at Part 4, immigration court locations and additional applicant information, and the corresponding instructions, to indicate that applicants can designate both "immigration court locations" and "specialized dockets," with examples of lists for specialized dockets. The current form only asks that applicants identify the "immigration court location." Inclusion on a specialized docket list would not require additional pro bono legal services hours, in addition to the 50 hours provided for each immigration court location. EOIR has not made and does not seek any substantive changes to the form or the collection.